

*Natalie M. Cox*

Honorable Natalie M. Cox  
United States Bankruptcy Judge



Entered on Docket  
April 04, 2023

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

MUSCLEPHARM CORPORATION,  
  
Debtor.

WHITE WINSTON SELECT ASSET  
FUNDS, LLC

Plaintiff

v.

EMPERY TAX EFFICIENT LP, et al.

Defendants.

Case No. 22-14422-NMC

Chapter 11

Adv. P. No. 23-01014-NMC

Date: March 31, 2023  
Time: 9:30 a.m.

**ORDER GRANTING *EMERGENCY* MOTION OF THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS TO INTERVENE IN ADVERSARY PROCEEDING**

1 Upon the *Emergency Motion of the Official Committee of Unsecured Creditors to Intervene in*  
 2 *Adversary Proceeding*, filed by the Official Committee of Unsecured Creditors (the “Committee”) of  
 3 MusclePharm Corporation (the “Debtor”), and good cause appearing therefor,

4 **IT IS HEREBY ORDERED THAT:**

5 1. The Motion is GRANTED.

6 2. The Committee is hereby allowed to intervene in the above-captioned adversary  
 7 proceeding and shall be entitled to raise and may appear and be heard on any issue, conduct discovery,  
 8 and file pleadings in connection therewith.

9 3. The Committee shall be treated as a “Plaintiff” as if originally designated as such in  
 10 the Complaint, and shall have all rights and obligations as a plaintiff in this Adversary Proceeding.  
 11 For the avoidance of doubt, the Committee shall have the right to, among other things:

- 12 (i) raise issues and be heard in the Adversary Proceeding;
- 13 (ii) participate generally as a plaintiff in the Adversary Proceeding, including
- 14 participation in settlement discussions among the parties to the Adversary
- 15 Proceeding;
- 16 (iii) be consulted with by White Winston; *provided, however*, that if the Committee
- 17 does not agree to any relief sought by White Winston in the Adversary
- 18 Proceeding, it retains the right to object to such relief before the Bankruptcy
- 19 Court;
- 20 (iv) receive discovery requests and responses and to examine witnesses at
- 21 depositions or at Bankruptcy Court proceedings;
- 22 (v) receive all notices in the Adversary Proceeding;
- 23 (vi) file its own papers (except such papers as set forth in paragraph 4 below) in the
- 24 Adversary Proceeding;
- 25 (vii) argue and respond to arguments before the Bankruptcy Court; and
- 26 (viii) raise matters of concern by motion.

27 4. The Committee is not required to file a complaint or amended complaint in the  
 28 Adversary Proceeding.

5. This Bankruptcy Court retains jurisdiction to resolve any disputes arising under or  
 related to this Order, and to interpret, implement, and enforce the provisions of this Order.

PREPARED AND SUBMITTED BY:

LARSON & ZIRZOW LLC

/s/ Matthew C. Zirzow

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### **LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☒ The court has waived the requirement of approval under LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

☐ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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